

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILLIAM G. MARTINEZ; SUZIE K.
HOLMES,

Plaintiffs,

vs.

SAFEGUARD PROPERTIES, INC.,

Defendant.

Case No. 2:13-cv-01012-GMN-NJK

ORDER DENYING DISCOVERY PLAN
(Docket No. 24)

Pending before the Court is the parties' proposed discovery plan and scheduling order (Docket No. 24), which is hereby DENIED without prejudice. The parties shall submit a revised discovery plan, no later than November 4, 2013, that complies with the Local Rules and this Court's October 24, 2013 Order, Docket No. 23.

Pursuant to LR 26-1, the parties should have commenced discovery approximately 4 months ago. On October 24, 2013, the Court instructed the parties that they cannot unilaterally delay discovery and, further, that pursuant to LR 6-1, they must show that their failure to commence discovery and file a discovery plan and scheduling order at an earlier date was the result of excusable neglect. Docket No. 23 ("the parties must demonstrate that the failure to act was the result of excusable neglect."). The present discovery plan makes no attempt to show excusable neglect.

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1 Additionally, the parties provide no explanation concerning why the Court should grant an
2 extended discovery period. The parties are currently requesting 186 days to complete discovery in
3 addition to the past 4 months in which they should have been, but were not, conducting discovery.
4 When parties request a discovery period that exceeds the typical 180 days, the Discovery Plan must
5 state on its face "SPECIAL SCHEDULING REVIEW REQUESTED" and the parties must provide "a
6 statement of the reasons why longer or different time periods should apply to the case . . ." *See* LR 26-
7 1(d). The parties have not done so here.

8 Finally, the parties misstate LR 26-4. Requests to extend discovery deadlines must be filed at
9 least 21 days before the expiration of the subject deadline sought to be extended. The pending proposed
10 discovery plan incorrectly states that dates in the discovery plan and scheduling order may be modified
11 up to 20 days before the discovery cutoff date. All requests to extend deadlines in the discovery plan
12 must comply fully with LR 26-4. The Court will not make any exceptions.

13 A revised discovery plan and scheduling order that complies with the Local Rules must be filed
14 no later than November 4, 2013.

15 IT IS SO ORDERED.

16 DATED: November 1, 2013

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20 NANCY J. KOPPE
21 United States Magistrate Judge
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